

**TIFFANY & BOSCO**

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Attorney for Movant: U.S. Bank National Association

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION**

In re:

Shamicka Lawrence aka Shamicka Gibbs,

Debtor.

Case No.: 6:23-bk-15163-WJ

Chapter: 7

**DECLARATION IN SUPPORT OF  
MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY**

Hearing:

Date: August 29, 2024

Time: 10:00 a.m.

Ctrm: 304

Place: 3420 Twelfth Street, Riverside, CA 92501

I, Chad L. Butler, declare under penalty of perjury as follows:

1. I am an Attorney for U.S. Bank National Association (“Movant”). In such capacity, I am authorized to make this declaration on behalf of Movant, with respect to the above-captioned matter.

2. On May 17, 2024, Movant filed its Motion for Relief from the Automatic Stay in the instant case as Docket No. 86 (the “First MFR”). The First MFR was scheduled to come on for hearing on June 20, 2024.

3. The First Motion was unopposed and ultimately granted via a Scheduling Order entered on June 17, 2024, as Docket No. 103.

1 4. Due to an inadvertent calendaring error, the Order Granting Motion for Relief from the  
2 Automatic Stay was not timely submitted to the Court for the Judge's review and execution.

3 5. Subsequently, due to Movant's lack of prosecution, the Court entered an Order  
4 Denying the Motion for Relief from the Automatic Stay without prejudice on July 8, 2024, as Docket  
5 No. 106 (the "Order Denying MFR"). The Order Denying MFR directed Movant to re-file its motion.

6 6. Upon receipt of the Order Denying MFR, Movant proceeded with steps necessary to  
7 re-file pursuant to the Order Denying MFR. Attorney for Movant re-filed the Motion for Relief from  
8 the Automatic Stay on August 1, 2024, as Docket No. 108, with a hearing set for August 29, 2024 (the  
9 "Second MFR").

10 7. The facts in the Motion for Relief from the Automatic Stay filed on August 1, 2024  
11 were not altered from the First MFR. Movant sought relief pursuant to 11 U.S.C. §362(d)(1)(A) as  
12 Movant's interest in the property is not protected by an adequate equity cushion, and the property is  
13 not necessary for an effective re-organization. The Second MFR relies on the same set of facts. There  
14 have been no material changes to the fact set forth in the First MFR.

15 8. This Second Motion is also unopposed. Movant now seeks relief from stay and the  
16 undersigned commits to prosecuting this Second MFR and requests the Court's consideration in this  
17 matter due to Counsel's oversight.

18 9. Movant, through its attorney, apologizes to the Court for inadvertently missing the  
19 deadline to file the relief order in the original motion and for failing to previously submit the foregoing  
20 Declaration in Support of the Second Motion pursuant to 9013-1(L).

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**Tiffany & Bosco, P.A., 7720 North 16th Street, Suite 300, Phoenix, Arizona 85020**

A true and correct copy of the foregoing document entitled (*specify*):

### DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) August 28, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**DEBTOR'S ATTORNEY:** Marc A Lieberman marc.lieberman@flpllp.com, safa.saleem@flpllp.com, addy@flpllp.com

**CHAPTER 7 TRUSTEE:** Arturo Cisneros (TR) amctrustee@mclaw.org, acisneros@iq7technology.com, ecf.alert+Cisneros@titledxi.com

**CHAPTER 7 TRUSTEE'S ATTORNEY:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com, alinares@ecf.courtdrive.com, cmendoza@marshackhays.com, cmendoza@ecf.courtdrive.com

**CHAPTER 7 TRUSTEE'S ATTORNEY:** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com, alinares@ecf.courtdrive.com, cmendoza@ecf.courtdrive.com

**U.S. TRUSTEE:** United States Trustee (RS), ustpreion16.rss.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On (*date*) August 28, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**JUDGE:** Honorable Wayne Johnson, United States Bankruptcy Court, Central District of California, 3420 Twelfth Street, Suite 384, Riverside, CA 92501-3819

**DEBTOR:** Shamicka Lawrence, 11364 Estates Court, Riverside, CA 92503

**CO-OWNER:** Coastal Massage Oxnard, Inc., 11801 Pierce St., Suite 200, Riverside, CA 92505

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 28, 2024  
Date

Cortney Massey  
Printed Name

/s/ Cortney Massey  
Signature